

MINUTES  
Planning and Zoning Commission & Architectural Board of Review  
City of Willoughby Hills, Ohio

October 6, 2016

CALL TO ORDER      7:00 P.M

PRESENT:              Vice Chairman John Lillich,, Mayor Robert Weger,  
                                Councilman Christopher Biro and Jonathan Irvine

ABSENT:                Chairman Christopher Smith and Michael Tyler

ALSO PRESENT:      Building Commissioner Fred Wyss, City Engineer Pietro DiFranco,  
                                BZA Rep Frank Cihula and Clerk Katherine Lloyd

MOTION:              Jonathon Irvine moved to excuse Christopher Smith and Michael Tyler for tonight's  
                                meeting.  
                                Seconded by Mayor Weger  
                                Voice Vote: 4 Ayes  
                                Motion Passes: 4/0

**Correspondence:**

- Email dated 9/29/16 from City Engineer DiFranco RE: Construction of New House & Protected Area Review -- 28767 Eddy Rd.
- Email dated 9/21/16 from City Engineer DiFranco RE: Protected Area Permit for Stream Bank Stabilization (Retaining Wall) -- 2540 Chagrin Dr.

**Disposition of Minutes**

**Meeting of September 15, 2016**

MOTION:              Mayor Weger moved to approve the Minutes of September 15, 2016.  
                                Seconded by Jonathon Irvine  
                                Voice Vote: 3 Ayes and 1 Abstention (Biro)  
                                Motion Passes

**ARCHITECTURAL BOARD OF REVIEW**

Public Portion opened at 7:02 P.M.

No Public Input

Public Portion closed at 7:02 P.M.

1.) Jim Kunstel

Agent/Contractor: Ed Polo (CCS Construction Component Service)

**2962 Worrell Rd. – Room Addition – PPN: 31-A-001-C-01-030-0**

Plans stamped received in Building Department 9/12/16

Plans stamped reviewed by Building Department 9/12/16

Present: Jim Kunstel

**Owner/Representative Comments:**

The house has three large rooms on the first floor and two rooms on the second floor. The 260 sq. ft. addition to the first floor would be a combination dining room/family room. Materials on the addition will match the existing house. Photos of existing house were passed around.

City Engineer's Comments (DiFranco):

None

Building Commissioner's Comments (Wyss):

None

Board Comments:

(Lillich) We usually ask for a gable roof but you have a dormer right above the addition. *The dormer has the only window upstairs on that side of the house.*

MOTION: Mayor Weger moved to approve the plans for the Room Addition at 2962 Worrell Rd.  
Seconded by Christopher Biro  
Voice Vote: Ayes Unanimous  
**Motion Passes: 4/0**

2.) David Rudnow

Agent/Contractor: N/A

**28767 Eddy Rd – House – PPN: 31-A-025-O-00-060-0 and 390 and 0400**

Plans stamped received in Building Department 9/12/16

Plans stamped reviewed by Building Department 9/20/16

Plans reviewed by City Engineer 9/29/16

Present: David Rudnow

Owner/Representative Comments:

- We bought the property since 2003 with the intention of building on it. This will be our retirement home. We have worked with the Army Corps of Engineers, Lake County Water and Soil, the City Engineer and Building Commissioner to get multiple things accomplished. All have been approved. The big issue is the creek and storm sewer ditch that runs through the middle of the property. City Services on the one side limits building on that side. The lot is sloped. We designed a house with a finished basement that fits in the available space.
- First issue: Culverting of city storm. Because of the tremendous amount of erosion addition of 100 ft. of 24-inch storm sewer is planned.
- Variance needed because the house to move 15 ft. forward so the back of the house is not sitting right on the creek bed.

Building Commissioner's Comments (Wyss):

Zoning report is in the Board packets. Code requires a house to be 1250 sq. ft., of which 900 ft. should be on the first floor. The site necessitates a small footprint. Plans include an enclosed 2-car garage. He added the dormer over the garage and a finished basement with a bathroom. That gives him 1000 sq. ft. for 1<sup>st</sup> floor living space for a total of 1800 sq. ft. Due to the unique situation, the Board could consider granting an Equivalency for the first floor.

City Engineer's Comments (DiFranco):

Mr. Rudnow explained it pretty well. The site has several constraints. He positioned the building to missed the stream as much as possible. I recommend approval of the Protected Area Permit as well as approval of the site plan.

Board Comments

(Lillich) Unique lots require unique solutions sometimes.

(Cihula) The Equivalency position is based on a development plan which is usually required in a non-residential area or a residential area for a non-residential use. This is a residential use in a residential area.

(Lillich) We have given Equivalencies on residential plans in the past. In this situation, we could grant an Equivalency.

(Wyss) Equivalency does not speak to being Commercial or Residential. This property is completely undeveloped. The plans being presented to the ABR and Planning Commission are a development of this property.

MOTION: Mayor Weger moved to architecturally approve the plans for the House at 28767 Eddy Rd as presented contingent upon the approval of the Planning Commission and apply with Section 1111.15 Equivalency to this parcel.

Seconded by Jonathan Irvine

Voice Vote: Ayes Unanimous.

**Motion Passes: 4/0**

#### PLANNING COMMISSION

Public Portion opened at 7:18 P.M.

No Public Input

Public Portion closed at 7:18 P.M.

#### 1.) David Rudnow

Agent/Contractor: N/A

**28767 Eddy Rd – House – PPN: 31-A-025-O-00-060-0 and 390 and 0400**

Plans stamped received in Building Department 9/12/16

Plans stamped reviewed by Building Department 9/20/16

Plans reviewed by City Engineer 9/29/16

Present: David Rudnow

#### Owner/Representative Comments:

The applicant already explained the culvert issue.

#### City Engineer's Comments (DiFranco):

The applicant has addressed all of our comments. He received approval from the Army Corps of Engineers. We recommend approval of the Protected Area Permit.

#### Board Comments

(Wyss) Will you start work on the culvert so it is done before winter? *Yes, the culvert will be done before winter.*

MOTION: Councilman Biro moved to approve the Protected Area Review for the property at 28767 Eddy Rd as presented.

Seconded by Mayor Weger

Voice Vote: Ayes Unanimous.

**Motion Passes: 4/0**

#### 2.) Marie Beckner & Douglas Moul

Agent/Contractor: North Coast Marine Construction, Inc.

**2540 Chagrin Dr. – Protected Area Review for Retaining Wall – PPN: 31-A-010-B-00-037-0**

Plans received in Building Department 9/6/16

Plans stamped reviewed by Building Department 9/12/16

Plans reviewed by City Engineer 9/21/16

Present: Stephen Jones, Dan Backley and Megan Sammons (contractors)

Owner/Representative Comments:

- The applicants contacted the contractor 15 months ago because they have an erosion issue in their back yard on the bend of the river. They got an engineering review with KS Associates. They have been doing all the permits. They propose putting in a retaining wall to help slow down the erosion from the river.
- They propose to construct an engineered wall.

*(Lillich) I am an advocate for the river with lots of experience with the river. The Chagrin River is a huge image asset for this community. He has does have a problem that needs remedial work. I rely on the opinion of Lake County Soil & Water and the Chagrin Watershed Partners regarding the methods for that work. I chaired the Chagrin Scenic Rivers Advisory Council for 15 years. It advised the Ohio Dept. of Natural Resources for many years before Chagrin Watershed Partners came to be. I would like to get the opinion of Lake County Soil & Water (LCS&W) and the Chagrin Watershed Partners. When people do a project, perceptions of adjacent homeowners can create problems. I want Willoughby Hills to do the due diligence.*

City Engineer's Comments (DiFranco):

They have obtained approvals from the Army Corps of Engineers and the Ohio EPA. The Willoughby Hills Flood Plain Manager approved a 'No Rise' certificate. They have addressed all of our City requirements. I would recommend approval of a Protected Area Permit contingent upon replace two trees which will be removed with three new trees and restoring all of the disturbed area to the original condition or better.

Board Comments

*(Lillich) We have a quorum of four Board members here tonight. I would like input from the Lake County Soil & Water and the Chagrin Watershed Partners (CVWP). We are running out of time. The river will start rising and the soil will get soggy and wet. The engineer [KS Associates] said we do not have to have approval by CVWP. We do not need the approval of LCS&W to pass this. We are using engineered walls which have been around for many years. Photos of engineered systems distributed. Alternatives and their engineering discussed, including ledgerstone or stacked sandstone.*

*(Biro) Have you had any input from the neighbors? They have been notified because of all permitting that has gone through.*

*(Lillich) Notification of the neighbors is not required but we always consider them. Does the Board have any preferences regarding the style of wall and image of the river?*

Time factor and timing of the input from the CVWP discussed. This has been a lengthy process with Army Corps of Engineers, the Ohio EPA and Protected Area in Willoughby Hills.

*(Cihula) This process was the subject of a building height variance that finished in January, 1992. There was one stipulation that there would be a swale on the west side of the property so the run-off from this property does not affect the neighbor to the west. Is that a smooth faced wall?*

*This has no bearing for this case. I know the area. The wall could be smooth but this would look like stone ledges. Texture on the wall helps create turbulence and slow the river down. Is that by the Waite Hill border? It is right there. I spoke with the neighbor who has given us permission.*

(Sammons) *Regarding the timing, wanted to get approvals before applying to Willoughby Hills. I can show the emails on August 8, 2016 and after when the drawings were sent over and things were being discussed. We paid the engineering review fee back then, too. The ReddyRock looks pretty and its engineered system is proven system. It looks like a rocky ledge and will last for a long time. We want this to be aesthetically pleasing for the Chagrin Watershed.*

(Lillich) *What is the name of that? Ledge stone. There are different color combinations to blend with the area, including brown tones..*

(Irvine) *It looks better than concrete. I don't know what options there are.*

(Lillich) *Most other options require continuous maintenance or plantings. I am impressed by this. We have been installing these for ten years. Are there any concerns about the river getting behind it on the upstream side? The print shows a wall on the upstream side. It should be watched and maybe maintained in the future.*

(Wyss) *I would be concerned about the downstream side. There is a return. Are you adding the one tree that is shown? I will put the tree wherever the homeowner wants it. The tree shown is off their property. Turbulence during flood stage would be past the protection.*

**MOTION:** Mayor Weger moved to approve the Protected Area Review for Retaining Wall for the property at 2540 Chagrin Dr. as presented contingent upon planting of a minimum of two trees, restoration of the disturbed area and they use Ledge stone for the wall..  
Seconded by Councilman Biro.

Discussion:

(Sammon) *The contractor will plant three trees*

(Lillich) *Please advise the homeowner to monitor both the upstream and downstream sides.*

Voice Vote: Ayes Unanimous.

**Motion Passes: 4/0**

UNFINISHED BUSINESS

None.

NEW BUSINESS

Mr. Lillich reported that there is a website called 'Airbnb', It is a worldwide organization where people can rent their homes out as vacation homes. There are 12 of them in Willoughby Hills. Per discussion, this is something to consider during discussions about rental properties and customary home occupation in Willoughby Hills.

MAYOR'S REPORT

- The Board needs to review Chapters 1, 2 and 3 for the next meeting on October 20<sup>th</sup>.
- Shoppes of Willoughby Hills: No specifics but good news is anticipated by next meeting.

COUNCIL REPRESENTATIVE'S REPORT (Biro)

Ordinance 2016-44 regarding Notice of Foreclosure Filing was discussed a couple of weeks ago. We are checking on what other cities do. It will go back to Chris Hallum and Vicki before they present it to Council.

BUILDING COMMISSIONER'S REPORT (Wyss)

- There are several important things that this Board will need to approve at the October 20<sup>th</sup> meeting.
- The vacation plat for Covert Drive and possible lot split: The Land Conservancy continues to work through details. We hope to bring the lot split for conditional approval. The vacation of Covert Drive will still need to go before Council.
- Cell towers: The Engineer would like more details, The Tower company wants to wait on those. If necessary, the engineer could do a final review of the Plans before Final approval. We will

schedule a Public Hearing on each tower for next meeting. They would want to incorporate any input or concerns from the Public into their plans.

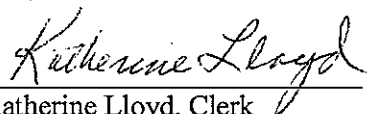
- Development of the Miller Road property: There is no more information. This is the property that was rezoned.

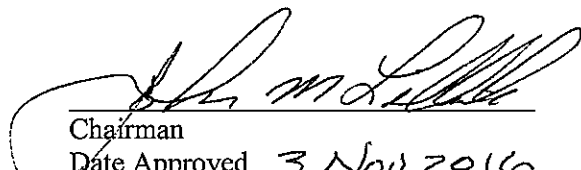
CHAIRMAN'S REPORT

None.

MOTION: Mayor Weger moved to adjourn.  
Seconded by Councilman Biro.  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 4/0**

Meeting Adjourned at 8:02 P.M.

  
Katherine Lloyd, Clerk

  
Chairman  
Date Approved 3 Nov 2016